

## Office of the Secretary, Interior

## §4.201

DETERMINATIONS OF HEIRS AND APPROVAL OF WILLS, EXCEPT AS TO MEMBERS OF THE FIVE CIVILIZED TRIBES AND OSAGE INDIANS; TRIBAL PURCHASES OF INTERESTS UNDER SPECIAL STATUTES

SCOPE OF REGULATIONS; DEFINITIONS; GENERAL AUTHORITY OF OHA DECIDING OFFICIALS

SOURCE: 66 FR 67656, Dec. 31, 2001, unless otherwise noted.

### § 4.200 Scope of regulations.

Included in §§4.200 through 4.202 are general rules applicable to all proceedings in subpart D of this part. Included in §§4.203 through 4.282 and §§4.310 through 4.323 are procedural rules applicable to the settlement of trust estates of deceased Indians who die possessed of trust property; however, these rules do not apply to the restricted property of deceased Indians of the Five Civilized Tribes, deceased Osage Indians, and members of any tribe organized under 25 U.S.C. 476, to the extent that the constitution, by-laws or charter of each tribe may be inconsistent with this subpart. Included within §§4.300 through 4.308 are supplemental procedural rules applicable to determinations as to tribal purchase of certain property interests of decedents under special laws applicable to particular tribes. Included within §§4.330 through 4.340 are procedural rules applicable to appeals to the Board of Indian Appeals from administrative actions or decisions issued by the Bureau of Indian Affairs as set forth in §4.330. Except as limited by the provisions herein, the rules in subparts A and B of this part apply to these proceedings.

### § 4.201 Definitions.

As used in this subpart:

*Agency* means the agency office or any other designated office in BIA having jurisdiction over trust or restricted property and money. This term also means any office of a tribe which has contracted or compacted the BIA probate function under 25 U.S.C. 450f or 458cc.

*Attorney decision maker* means an attorney with BIA who reviews a probate package, determines heirs, approves

wills and beneficiaries of the will, determines creditors' claims, and issues a written decision to the extent authorized by 25 CFR part 15.

*Beneficiary* means any individual who receives trust or restricted property or money in a decedent's will.

*BIA* means the Bureau of Indian Affairs within the Department of the Interior.

*BIA deciding official* means the official with the delegated authority to make a decision on a probate matter pursuant to 25 CFR part 15, and may include a BIA regional director, agency superintendent, field representative, or attorney decision maker.

*Board* means the Board of Indian Appeals in the Office of Hearings and Appeals, Office of the Secretary, authorized by the Secretary to hear, consider, and determine finally for the Department appeals taken by aggrieved parties from actions by OHA deciding officials on petitions for rehearing or reopening, and allowance of attorney fees, and from actions of BIA officials as provided in §4.1(b)(2).

*Child or children* includes an adopted child or children.

*Commissioner* includes the Deputy Commissioner of Indian Affairs and his or her authorized representatives.

*Day* means a calendar day, unless otherwise stated.

*Decedent* means a person who is deceased.

*Department* means the Department of the Interior.

*Estate* means the trust cash assets and restricted or trust property owned by the decedent at the time of his or her death.

*Heir* means any individual who receives trust or restricted property or money from a decedent in an intestate proceeding.

*IIM account* means funds held in an individual Indian monies account by OTFM or a tribe performing this function under a contract or compact.

*Intestate* means the decedent died without a will.

*Minor* means an individual who has not reached the age of majority as defined by the applicable tribal or state law.